

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex (BDA),  
Indiranagar,  
Bangalore - 560 038

Dated : 2/9/87

APPLICATION NO 330 / 87 (F)

W.P. NO                     

Applicant

Shri G. Ramaswamy

V/s The GM, Telecommunications & 3 Ors

To

1. Shri G. Ramaswamy  
4, Ananthanagar III Cross  
Bapujinagar  
G.E.F. Post  
Bangalore - 560 026

2. Shri S. Siddaiah  
Advocate  
421, 11th 'B' Cross  
1st Phase, J.P. Nagar  
Bangalore - 560 078

3. The General Manager  
Telecommunications  
Karnataka Circle  
Bangalore - 560 009

4. The Assistant General Manager (MM)  
C/o The General Manager  
Karnataka Circle  
Bangalore - 560 009

5. The Divisional Engineer (Rural)  
Bangalore Telecom District  
19/1, B.V.K. Iyengar Road  
Bangalore - 560 009

6. The Assistant Engineer-in-Charge  
Circle Telecom - Store Depot  
Vijayanagar North Post  
Bangalore - 560 079

7. Shri M. Vasudeva Rao  
Central Govt. Stng Counsel

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH High Court Bldg  
Bangalore - 1

Please find enclosed herewith the copy of ORDER/~~STAMP~~  
~~INTERIM ORDER~~ passed by this Tribunal in the above said  
application on 21-8-87.

*B.V. Venkatesh*  
DEPUTY REGISTRAR  
~~SECTION OFFICER~~  
(JUDICIAL)

Encl : as above

*Received two  
Copy of SL-NO 1 & 2*

*G. Ramaswamy*  
[G. RAMASWAMY]  
103/9/87  
*(hml)*

RECEIVED (7) Copies 3/9/87  
Diary No. 1100/C.R.L.S.  
Date: 2/9/87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 21st DAY OF AUGUST, 1987

Present : Hon'ble Justice Sri K.S. Puttaswamy Vice-chairman

Hon'ble Sri P. Srinivasan Member (A)

APPLICATION No. 330/87(F)

G. Ramaswamy,  
r/a No. 4., Ananthanagar  
III rd Cross, Bapujinagar,  
G.E.F. Post, Bangalore - 26. ...

Applicant

( Sri S. Siddaiah ... Advocate )

vs.

1. The General Manager,  
Tele-communications,  
Karnataka Circle,  
Bangalore - 9.
2. The Assistant General Manager (MM)  
C/o the General Manager,  
Karnataka Circle,  
Bangalore - 9.
3. The Divisional Engineer (Rural)  
Bangalore Telecom District,  
No. 19/1, E.V. Kiyangar Road,  
Bangalore - 9.
4. The Assistant Engineer-in-charge,  
Circle Telecom-Store Depot,  
Vijayanagar North Post,  
Bangalore - 79. ...

Respondants

( Sri M. Vasudeva Rao ... Advocate )

This application has come up before the Court today. Hon'ble Sri P. Srinivasan, Member (A) made the following :

ORDER

The applicant, who took voluntary retirement from the post of Section Supervisor w.e.f. 1.12.1986, complains in this application that he was ~~been~~ wrongly held up at the Efficiency Bar ('EB') stage of his pay scale on 1.3.1983

*P. S. Srinivasan*



when he was due to cross the same.

2. Sri S.Siddaiah, learned counsel for the applicant, contends that the applicant who belongs to a Scheduled caste, ~~he~~ became due to cross the EB for the first time on 1.3.1983 but his case was not considered at that time but much later. The Departmental Promotion Committee ('DPC') which met, for the purpose only on 31.1.1986 apparently considered events which occurred after 1.3.1983 and declared him unfit to cross the EB. According to him, the applicant had a good enough record as on 1.3.1983 to be allowed to cross the EB. A minor penalty was imposed on him for alleged wrong claim of LTC, but that was much later than 1.3.1983 and should not have stood in the way of his crossing the EB on 1.3.1983.

3. Sri M.Jasudeva Rao, learned counsel for the respondents, contended that the DPC did not find the applicant fit for crossing the EB on 1.3.1983. No doubt the DPC was held on 31.1.1986, but it considered the character roll (CR) of the applicant as on 1.3.1983, and also on three successive dates, i.e., as on 1.3.1984, 1.3.1985 and 1.3.1986, but found him unfit for crossing the EB on all these dates. The order imposing penalty was not taken into account for considering his fitness as on 1.3.1983, Sri Rao asserted.

4. The respondents have produced the records of the DPC as well as the annual CR of the applicant, which we have perused. We find that in the CRs of the applicant for the years 1980-81 <sup>and</sup> 1981-82, the reporting officer has considered him fit for promotion. In the report for 1982-83, no such column is available. However, we find the following entries in the report for 1982-83 : 'Devoted to duty',



*P. S. Rao*

'industrious', 'trustworthy', 'managing staff reasonably well' and 'obedient', while against some other columns, the comments are 'satisfactory', 'average' etc. The same is the situation in regard to the CRs for the two earlier years. We are of the view that for the purpose of deciding fitness for crossing <sup>M</sup>EB, it is sufficient to see the CR for the year in which a person becomes due for crossing the EB and for two year immediately prior to it. Moreover, for crossing EB, the criterion to be applied should not be the same as for promotion to a selection post. Bearing these factors in mind, we are satisfied that the CRs of the applicant for the three years 1980-81, 1981-82 and 1982-83 are good enough to allow him to cross the EB from 1.3.1983. In this view, it is unnecessary to consider the position as on subsequent dates, i.e., 1.3.1984, 1.3.1985 and 1.3.1986.

5. In view of what we have stated above, we have no hesitation in quashing the contents of letters dated 17.2.1986 (Annexure-4), 5.5.1986 (Annexure-6) and 27.4.1986 (Annexure-7) whereby the decision of the DPC was intimated to the applicant that he had <sup>M</sup>been <sup>been M</sup>not allowed to cross the EB. We direct the respondents to allow the applicant to cross the EB from 1.3.1983 and to give him all consequential financial benefits flowing therefrom. The application is allowed on these terms. Parties to bear their own costs.



"True copy"

Sd---

VICE-CHAIRMAN

Sd---

MEMBER (A)

B.V. Venkatesh an.  
DEPUTY CHIEF CLERK  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

21/12/86  
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